



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CM No. 8523-CWP of 2025 in/and
Civil Writ Petition No. 18879 of 2024 (O&M)
Date of Decision: 04.07.2025

Sarban Singh

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Kumar Bokolia, Advocate,
for the applicant-petitioner.

Mr. Athar Ahmad, Deputy Advocate General, Punjab
for the respondents.

HARKESH MANUJA, J. (ORAL)

CM No. 8523-CWP of 2025

Prayer in the present application moved on behalf of the applicant-petitioner, is for preponing the date of hearing of main case from 17.07.2025 to an earlier date.

Notice of the application.

On asking of the Court, Mr. Athar Ahmad, Deputy Advocate General, Punjab accepts notice on behalf of the respondents and has no objection against the prayer made in the application.

In view of the above as well as the contents of application, the same is **allowed**; the hearing of main case is preponed from 17.07.2025 and with the consent of learned counsel for parties, the main case is taken up today itself.

MAIN CASE

The petitioner, by way of present petition, seeks issuance of the directions to respondent No. 3 (District Revenue Officer-cum-Competent Authority for Land Acquisition, District Moga) for releasing the amount of Rs. 50,20,512/- towards compensation, jointly in his favour as well as the other legal heirs of Kashmir Singh.

[2] Notice of the instant petition stood issued vide order dated 07.08.2024.

[3] Learned counsel for the petitioner submits that in the present case, 6 Kanal 12 Marlas land owned by Kashmir Singh who happened to be predecessor-in-interest of the petitioner, came to be acquired by the National Highway Authority of India vide notification dated 03.08.2021 under sub-Section (1) of Section 3-A of the National Highways Act, 1956 (**for short “the 1956 Act”**) followed by notification dated 22.11.2021 under sub-Section (1) of Section 3-D of the 1956 Act. He further submits that later an Award was passed and in pursuance thereof, a sum of Rs. 50,20,512/- became payable to Kashmir Singh / his successors, however, not even a single penny has been paid to them till date; whereas on the other hand, the said amount has been transferred to one Smt. Gurmej Kaur widow of Jarnail Singh on the basis of certain incorrect revenue entries, which were later modified / corrected by the office of respondent No. 3 itself, making it in the name of successors of deceased-Kashmir Singh; however, still the compensation is not being paid to them.

[4] On the other hand, learned counsel for respondents-State of Punjab submits that all sincere efforts are being made to recover the amount of compensation wrongly paid to Smt. Gurmej Kaur widow of Jarnail Singh

and in this regard, even respondent No. 3-DRO has written to respondent No. 2 (Deputy Commissioner, Moga) vide its letter dated 02.07.2025 to recover the said amount as arrears of land revenue, against which the Deputy Commissioner, Moga vide order dated 03.07.2025 has even declared the said amount to be recovered as arrears of land revenue and thus, as soon as the same is recovered from Smt. Gurmej Kaur widow of Jarnail Singh, it shall be transferred to the petitioner and the other successors of Kashmir Singh.

[5] I have heard learned counsel for the parties and gone through the paper-book.

[6] A perusal of the record shows that the acquisition proceedings in the present facts commenced with the issuance of notification dated 22.11.2021 under sub-Section (1) of Section 3-D of the 1956 Act; whereas till date, not even a single penny has been paid to the successors of Kashmir Singh and that too, without any fault on their part. On the other hand, the respondents, who have wrongly released the compensation in favour of Smt. Gurmej Kaur widow of Jarnail Singh on account of their own errors in the revenue record, are delaying the matter towards its recovery.

Be that as it may, once the amount was released in favour of Smt. Gurmej Kaur widow of Jarnail Singh by the respondents on account of certain errors in the revenue record, which were never attributable to the petitioner or any other successors of Kashmir Singh; they cannot be put to any disadvantageous position on account of the wrong and negligent acts committed by the office of respondent Nos. 2 & 3 and as such, they cannot be made to wait for release of compensation till the recovery is effected.

[7] In such circumstances, it is ordered that the account of office of respondent No. 3 be attached to the extent of Rs. 50,20,512/- with

immediate effect and the same be transmitted to the accounts of successors of Kashmir Singh including the petitioner against furnishing of their indemnity bonds to the effect that in case at a later stage, they are not found entitled for compensation, it can be recovered from them. The detail of bank account of respondent No. 3 (District Revenue Officer-cum-Competent Authority for Land Acquisition, District Moga), as provided by the learned State Counsel, is as under:-

IndusInd Bank, Branch Moga
Account No. 201010830942
IFSC: INDB000092

[8] The petitioner and the other legal representatives of Kashmir Singh shall be at liberty to avail their remedy towards enhancement of compensation as per law. It is made clear that the aforementioned direction would not effect the process of recovery against Smt. Gurmej Kaur widow of Jarnail Singh.

[9] **Disposed off** accordingly.

[10] Pending miscellaneous application(s), if any, shall also stand disposed off.

July 04, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No